IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 1118 of 2005(G)

AGAINST THE ORDER IN EP 18/2002 IN OS.366/1996 of PRL.SUB COURT,THRISSUR

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PETITIONER:

JOHNSON, S/O. ANTONY,
PORATHUR HOUSE, ERANELLUR VILLAGE,
THRISSUR DISTRICT.

BY ADV. SRI.M.K.DILEEP KUMAR

RESPONDENTS:

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1. **CATHOLIC SYRIAN BANK,**
   KUNNAMKULAM BRANCH, THRISSUR DISTRICT.

2. **K.V.USMAN, PROPRIETOR OF TOP**
   WEAR LADY'S CHOICE, KECHERY, THRISSUR DISTRICT.

3. **K.A.AMBUJAKSHAN,**
   S/O. ARUMUGHAN, KUNNATHU HOUSE,
   MANALI, KECHERY, THRISSUR DISTRICT.

BY ADV. SRI.T.B.THANKAPPAN
SRI.P.SURESH for R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.1118/2005 G

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE DISCHARGE SUMMARY OF THE PETITIONER ISSUED BY AMALA INSTITUTE OF MEDICAL SCIENCE,TRICHUR.**

EXT.P2: **DISCHARGE CARD OF THE PETITIONER FOR HIS TREATMENT FROM 1/12/2004 TO 9/12/2004 ISSUED FROM JUBILEE MISSION MEDICAL COLLEGE, THRISSUR.**

EXT.P3: **DISCHARGE CARD OF THE PETITIONER FOR HIS TREATMENT FROM 15/12/2004 TO 31/12/2004 ISSUED FROM JUBILEE MISSION MEDICAL COLLEGE, THRISSUR.**

EXT.P4: **COPY OF THE ORDER IN E.A.NO.673/04 IN E.P.NO.18/2002AND IN O.S.NO.366/1996 DTD. 27/11/2004 OF THE SUBS COURT, THRISSUR.**

EXT.P5: **COPY OF E.A.NO.23/2005 FILED BY THE PETITIONER BEFORE THE SUB COURT, TRICHUR SEEKING SETTING ASIDE OF THE EXPARTE ORDER.**

EXT.P6: **COPY OF E.A.NO.24/2005 FILED BY THE PETITIONER BEFORE THE SUB COURT, TRICHUR SEEKING SETTING ASIDE OF THE SALE.**

EXT.P7: **COPY OF E.A.613/04 IN E.A.NO.22/2005 FILED BY THE PETITIONER BEFORE THE SUB COURT, TRICHUR SEEKING THE STAY OF DELIVERY OF HIS PROPERTY.**

/TRUE COPY/

P.A. TO JUDGE

KSS

PIUS C. KURIAKOSE,J.

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W.P.(C) No.1118 of 2005

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Dated: 1st August, 2007

JUDGMENT

No representation for the petitioner. The 1st respondent is the only affected party if relief is granted as per the prayers in the Writ Petition. Mr.P.Suresh, counsel for the 1st respondent fairly submits that the petitions Exts.P5, P6 and P7 filed by the petitioner before the execution court have not been disposed of by the execution court and this court may be justified in directing that court to take an early decision on those petitions. Accordingly, this Writ Petition will stand disposed of issuing the following directions:

The order of stay presently passed will continue for a period of six weeks only from today. The execution court is directed to hear all concerned parties on Exts.P5, P6 and P7 and pass early orders on those applications in the meanwhile.

srd **PIUS C.KURIAKOSE, JUDGE**